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 12 *and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

15 **In re CATHODE RAY TUBE (CRT)**
ANTITRUST LITIGATION

16 This Document Relates to:

17 ALL INDIRECT-PURCHASER ACTIONS

18 *Electrograph Sys., Inc., et al. v. Hitachi,*
 19 *Ltd., et al., No. 11-cv-01656;*

20 *Electrograph Sys., Inc., et al. v. Technicolor*
 21 *SA, et al., No. 13-cv-05724;*

22 *Siegel v. Hitachi, Ltd., et al., No. 11-cv-*
05502;

23 *Siegel v. Technicolor SA, et al., No. 13-cv-*
05261;

24 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et*
 25 *al., No. 11-cv-05513;*

26 *Best Buy Co., Inc., et al. v. Technicolor SA,*
et al., No. 13-cv-05264;

27 *Target Corp. v. Chunghwa Picture Tubes,*
 28 *Ltd., et al., No. 11-cv-05514;*

No.: 3:07-cv-05944 SC

MDL No. 1917

Judge: Hon. Samuel Conti

**[PROPOSED] ORDER GRANTING
 DEFENDANTS' JOINT MOTION FOR
 PARTIAL SUMMARY JUDGMENT
 AGAINST INDIRECT PURCHASER
 PLAINTIFFS AND CERTAIN DIRECT
 ACTION PLAINTIFFS FOR LACK OF
 ANTITRUST INJURY AND
 ANTITRUST STANDING UNDER
 FEDERAL AND CERTAIN STATE
 LAWS**

1 *Target Corp. v. Technicolor SA, et al.*, No. 13-cv-05686;)
2)
3 *Sears, Roebuck & Co., et al. v. Chunghwa Picture Tubes, Ltd., et al.*, No. 11-cv-05514;)
4)
5 *Sears, Roebuck & Co., et al. v. Technicolor SA, et al.*, No. 13-cv-05262;)
6)
7 *Interbond Corp. of Am. v. Hitachi, Ltd., et al.*, No. 11-cv-06275;)
8)
9 *Interbond Corp. of Am. v. Technicolor SA, et al.*, No. 13-cv-05727;)
10)
11 *Office Depot, Inc. v. Hitachi, Ltd., et al.*, No. 11-cv-06276;)
12)
13 *Office Depot, Inc. v. Technicolor SA, et al.*, No. 13-cv-05726;)
14)
15 *CompuCom Systems, Inc. v. Hitachi, Ltd., et al.*, No. 11-cv-06396;)
16)
17 *Costco Wholesale Corp. v. Hitachi, Ltd., et al.*, No. 11-cv-06397;)
18)
19 *Costco Wholesale Corp. v. Technicolor SA, et al.*, No. 13-cv-05723;)
20)
21 *P.C. Richard & Son Long Island Corp., et al. v. Hitachi, Ltd., et al.*, No. 12-cv-02648;)
22)
23 *P.C. Richard & Son Long Island Corp., et al. v. Technicolor SA, et al.*, No. 13-cv-05725;)
24)
25 *Schultze Agency Servs., LLC v. Hitachi, Ltd., et al.*, No. 12-cv-02649;)
26)
27 *Schultze Agency Servs., LLC v. Technicolor SA, et al.*, No. 13-cv-05668;)
28)
29 *Tech Data Corp., et al. v. Hitachi, Ltd., et al.*, No. 13-cv-00157)
30)
31 *Viewsonic Corp. v. Chunghwa Picture Tubes, Ltd., et al.*, No. 14-cv-02510)
32)

Defendants' Joint Motion for Partial Summary Judgment Against Indirect Purchaser Plaintiffs ("IPPs") and Certain Direct Action Plaintiffs ("DAPs," and together with IPPs, "Plaintiffs") for Lack of Antitrust Injury and Antitrust Standing Under Federal and Certain State Laws (the "Motion") having come before the Court, the Court having considered all relevant

documents and evidence and having considered the arguments of counsel, and good cause appearing therefore, it is hereby:

ORDERED that Defendant's Motion for Partial Summary Judgment is GRANTED in favor of Defendants, and that each of Plaintiffs' claims for relief set forth below are hereby DISMISSED for lack of antitrust injury and antitrust standing.

I. FEDERAL CLAIMS

IT IS ORDERED AND ADJUDGED as follows:

A. IPP Action

The following claim for relief in the IPPs' Fourth Consolidated Amended Complaint is hereby DISMISSED for lack of antitrust injury and antitrust standing.

1. Claim for Relief of Plaintiffs and members of the Nationwide Class: Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

B. DAP Actions

The following claim for relief in the following DAP cases is hereby DISMISSED for lack of antitrust injury and antitrust standing.

1. Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513

- i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

2. Interbond Corp. of Am., d/b/a BrandsMart USA v. Hitachi, Ltd., et al., No. 11-cv-06275

- i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

3. Alfred H. Siegel, As Trustee of the Circuit City Stores, Inc. Liquidating Trust, v. Hitachi, Ltd., et al., No. 11-cv-05502

- i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

- 1 **4. *Compucom Systems, Inc., v. Hitachi, Ltd., et al.*, Case No. 11-cv-06396**
 - 2 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 3 U.S.C. § 1.
- 4 **5. *Costco Wholesale Corp., v. Hitachi, Ltd., et al.*, Case No. 11-cv-06397**
 - 5 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 6 U.S.C. § 1.
- 7 **6. *Electrograph Systems, Inc.; Electrograph Technologies Corp., v. Hitachi,***
8 ***Ltd., et al.*, Case No. 11-cv-01656-SC**
 - 9 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 10 U.S.C. § 1.
- 11 **7. *Office Depot, Inc., v. Hitachi, Ltd., et al.*, Case No. 11-cv-06276-SC**
 - 12 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 13 U.S.C. § 1.
- 14 **8. *P.C. Richard & Son Long Island Corporation; Marta Cooperative of***
15 ***America, Inc.; and ABC Appliance, Inc., v. Hitachi, Ltd., et al.*, Case No.**
16 **11-cv-02648**
 - 17 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 18 U.S.C. § 1.
- 19 **9. *Sears, Roebuck & Co. & Kmart Corp., et al. v. Chunghwa Picture Tubes,***
20 ***Ltd., et al.*, No. 11-cv-05514**
 - 21 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 22 U.S.C. § 1.
- 23 **10. *Target Corp. v. Chunghwa Picture Tubes, Ltd., et al.*, No. 11-cv-05514**
 - 24 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - 25 U.S.C. § 1.
- 26 **11. *Tech Data Corporation; Tech Data Product Management, Inc., v. Hitachi,***
27 ***Ltd., et al.*, Case No. 13-cv-00157**
 - 28 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - U.S.C. § 1.
- 12. *Schultze Agency Services., LLC on behalf of Tweeter Opco, LLC, et al. v.***
 ***Hitachi, Ltd., et al.*, No. 12-cv-02649**
 - i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
 - U.S.C. § 1.

1 **13. ViewSonic Corp. v. Chunghwa Picture Tubes, Ltd., et al., No. 14-cv-02510**

- 2 i. First Claim for Relief: Violation of Section 1 of the Sherman Act, 15
3 U.S.C. § 1.

4 **II. STATE-LAW CLAIMS**

5 IT IS FURTHER ORDERED AND ADJUDGED as follows:

6 **A. IPP Action**

7 The following claims for relief in the IPPs' Fourth Consolidated Amended Complaint are
8 DISMISSED for lack of antitrust injury and antitrust standing.
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- 10 **1.** Claim for Relief of Plaintiffs Jeffrey Figone, Carmen Gonzalez, Dana Ross,
11 Steven Ganz, ("California Plaintiffs") and members of the California Indirect
12 Purchaser Class: Violation of California Cartwright Act, Cal. Bus. & Prof.
13 Code § 16720;
- 14 **2.** Claim for Relief of Plaintiff Law Suites ("DC Plaintiff") and members of the
15 District of Columbia Indirect Purchaser Class: Violation of D.C. Code Ann.
16 §§ 28-4501, *et seq.*
- 17 **3.** Claim for Relief of Plaintiff Travis Burau ("Iowa Plaintiff") and members of
18 the Iowa Indirect Purchaser Class: Violation of Iowa Code §§ 553.1, *et seq.*
- 19 **4.** Claim for Relief of Plaintiff Kerry Lee Hall ("Maine Plaintiff") and members
20 of the Maine Indirect Purchaser Class: Violation of Me. Rev. Stat. Ann. 10,
21 §§ 1101 *et seq.*
- 22 **5.** Claim for Relief of Plaintiff Lisa Reynolds ("Michigan Plaintiff") and
23 members of the Michigan Indirect Purchaser Class: Violation of Mich. Comp.
24 Laws Ann. §§ 445.771 *et seq.*
- 25 **6.** Claim for Relief of Plaintiffs Misti Walker and Steven Fink ("Nebraska
26 Plaintiffs") and members of the Nebraska Indirect Purchaser Class: Violation
27 of Neb. Rev. Stat. §§ 59-801 *et seq.*
- 28 **7.** Claim for Relief of Plaintiff Craig Stephenson ("New Mexico Plaintiff") and
 members of the New Mexico Indirect Purchaser Class: Violation of N.M. Stat.
Ann. §§ 57-1-1 *et seq.*
- 8.** Claim for Relief of Plaintiffs Conrad Carty, Janet Ackerman, and Louise
Wood ("New York Plaintiffs") and members of the New York Indirect
Purchaser Class: Violation of N.Y. Gen. Bus. Law §§ 340 *et seq.*

9. Claim for Relief of Plaintiff Margaret Slagle (“Vermont Plaintiff”) and members of the Vermont Indirect Purchaser Class: Violation of Vt. Stat. Ann. 9 §§ 2453 *et seq.*
10. Claim for Relief of Plaintiff John Larch (“West Virginia Plaintiff”) and members of the West Virginia Indirect Purchaser Class: Violation of W. Va. Code §§ 47-18-1 *et seq.*

B. DAP Actions

The following claims for relief in the following DAP cases are hereby DISMISSED for lack of antitrust injury and antitrust standing.

1. ***Compucom Systems, Inc., v. Hitachi, Ltd., et al., Case No. 11-cv-06396***
 - i. Second Claim for Relief: Violation of the California Cartwright Act, Cal. Bus. & Prof. Code § 16720; and
 - ii. Fourth Claim for Relief: Violation of the New York Donnelly Act, N.Y. Gen. Bus. Law §§ 340 *et seq.*
2. ***Costco Wholesale Corp., v. Hitachi, Ltd., et al., Case No. 11-cv-06397***
 - i. Second Cause of Action: Violation of the California Cartwright Act, Cal. Bus. & Prof. Code § 16700; and
 - ii. Sixth Cause of Action: Violation of the Illinois Antitrust Act, 740 Ill. Code 10/1 *et seq.*
3. ***Electrograph Systems, Inc.; Electrograph Technologies Corp., v. Hitachi, Ltd., et al., Case No. 11-cv-01656-SC***
 - i. Second Claim for Relief: Violation of the California Cartwright Act, Cal. Bus. & Prof. Code § 16720; and
 - ii. Fourth Claim for Relief: Violation of the New York Donnelly Act, N.Y. Gen. Bus. Law §§ 340 *et seq.*
4. ***Office Depot, Inc., v. Hitachi, Ltd., et al., Case No. 11-cv-06276-SC***
 - i. Third Claim for Relief: Violation of the California Cartwright Act, Cal. Bus. & Prof. Code § 16720.
5. ***P.C. Richard & Son Long Island Corporation; Marta Cooperative of America, Inc.; and ABC Appliance, Inc., v. Hitachi, Ltd., et al., Case No. 11-cv-02648***

- 1 i. Second Claim for Relief as Relates to: Violation of State Antitrust
2 Laws for Violation of the Illinois Antitrust Act, Illinois Antitrust Act,
3 740 Ill. Code 10/1, *et seq.*; Violation of Mich. Comp. Laws §§
4 445.771, *et seq.*; and Violation of the New York Donnelly Act, N.Y.
5 Gen. Bus. Law §§ 340 *et seq.*

6 **6. *Sears, Roebuck & Co. & Kmart Corp., et al. v. Chunghwa Picture Tubes,***
7 ***Ltd., et al., No. 11-cv-05514***

- 8 i. Second Claim for Relief as Relates to: Violation of the California
9 Cartwright Act, Cal. Bus. & Prof. Code § 16720; and
10 ii. Third Claim for Relief as Relates to: Violation of the Illinois Antitrust
11 Act, 740 Ill. Code 10/1 *et seq.*, Violation of Mich. Comp. Laws §§
12 445.771, *et seq.*, and Violation of Neb. Rev. Stat. §§ 59-801, *et seq.*

13 **7. *Tech Data Corporation; Tech Data Product Management, Inc., v. Hitachi,***
14 ***Ltd., et al., Case No. 13-cv-00157***

- 15 i. Third Claim for Relief: Violation of the California Cartwright Act,
16 Cal. Bus. & Prof. Code § 16720.

17 Dated: _____

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19 Hon. Samuel Conti
20 United States District Judge
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